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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of  
Achim Melching, *et al.*

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Art Unit: 3744

Serial No. 10/766,908

Examiner: William E. Tapolcai

Filed: January 30, 2004

For: CLIMATIC DEVICE, AND PROCESS FOR DEFROSTING A HEAT EXCHANGER IN  
A CLIMATIC DEVICE

RESPONSE TO ELECTION OF SPECIES  
REQUIREMENT UNDER 35 U.S.C. § 121

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated April 8, 2005, Applicants respectfully request reconsideration of this application in light of the following remarks. In the Office Action, the Examiner has requested that an election of species be made under 35 U.S.C. § 121 from the following six groups:

FIG. 1

FIGS. 2a-2b

FIG. 3

FIG. 4

FIG. 5

Applicants respectfully traverse the election requirement. However, to be fully responsive to the requirement, Applicants hereby elect the following species:

<u>Species</u>	<u>Claims</u>
FIG. 1	1

Applicants respectfully submit that the examination of the six figures would not be a serious burden on the Examiner. See M.P.E.P. § 803.02. This is particularly so because the Examiner has not provided reasons why the examination of all the species would be a serious burden. Therefore, Applicants respectfully request that the elections requirement be withdrawn and that all claimed species be examined in this application. If Examiner chooses to maintain the election requirement, however, Applicants expect Examiner, if the elected species is found allowable, to continue to examine the full scope of the elected subject matter to the extent necessary to the patentability thereof, *i.e.*, extending the search to a reasonable number of non-elected species, as is the duty according to M.P.E.P. § 803.02 and 35 U.S.C. § 121.

In view of the foregoing remarks, Applicants respectfully request withdrawal of the election requirement and the examination of all species together. If, for any reason, the Examiner disagrees, please call the undersigned attorney at 202-861-1703 in an effort to resolve any matter still outstanding before issuing another action. The undersigned attorney is confident that any issue which might remain can readily be worked out by telephone.

Respectfully submitted,

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